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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/743,688 | 12/15/2003 | Shawn A. Ruden | STL11384 | 8139 |
| 7590 04/14/2009 Fellers, Snider, Blankenship, Bailey & Tippens, P.C. Suite 1700 100 North Broadway Oklahoma City, OK 73102-8820 | | | | |
| EXAMINER | | | | |
| TUGBANG, ANTHONY D | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3729 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 04/14/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/743,688

Applicant(s)

RUDEN ET AL.

Examiner

A. Dexter Tugbang

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 and 21-41 is/are pending in the application.
- 4a) Of the above claim(s) 24, 25, 28, 29, 34, 35 and 37-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19, 21-23, 26, 27, 30-33 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The applicant(s) amendment filed on December 23, 2009, has been fully considered and made of record.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

Claims 24, 25, 28, 29, 34, 35 and 37 through 39 continue to remain as withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 8, 2007.

With respect to Claims 40 and 41, because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Accordingly, **Claims 40 and 41 have been withdrawn** from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 23, 2008.

Claim Rejections - 35 USC § 103

Claims 19, 21, 26, 27, 30, 31 and 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenzie et al in view of Watanabe et al 2002/0059718.

McKenzie discloses a method comprising: providing a rotatable hub (e.g. 404) with a central axis (in Fig. 6), the hub supporting a disc member (e.g. 402) having an annular track (from servo track writing, STW) with a center of rotation offset from the central axis (as a result of gap 409); and imparting a bias force on the disc member to align the center of rotation of the track (e.g. STW on the disc surface) with the central axis of the rotatable hub by contactingly engaging the disc member with a flexible cantilevered finger (e.g. solenoid plunger with a soft tip) of a biasing tool (col. 6, lines 28-37).

With respect to Claim 30, McKenzie discloses that the disc member (e.g. 402) is provided with at least one annular track (e.g. STW) having a track center (i.e. center of the ID of the disc member).

Regarding Claim(s) 26, 27, 36 and 37, McKenzie further teaches that the finger comprises a proximal end (narrowed end portion of 412), which extends from a main body portion in a first direction (e.g. horizontally to the right in Fig. 6), and a disc engagement region (e.g. the OD of the disc 402), which extends from a distal end of the finger during contact in a second direction (substantially normal direction, as a result of the rotation of the disc).

With respect to the detailed recitation of the biasing tool imparting a biasing force “to bring an innermost...the hub”, this feature is an obvious effect of the biasing force of McKenzie as certainly shown by McKenzie in Figures 3 and 4. Here, McKenzie uses a gap on one side of

the outer cylindrical surface of the hub and on the other side of the cylindrical surface of the hub, this contacts the aperture of the disc.

As further evidence, Watanabe discloses that during STW (para [0057]), a biasing force applied by a biasing tool can certainly have the central mounting aperture of the disc directly contact the outer cylindrical surface of the hub (para [0043]) to simply provide balance to the rotation of the disc, or control the rotational displacement of the disc.

It would have obvious to one of ordinary skill in the art at the time the invention was made that the biasing tool of McKenzie would impart a bias force to the disc member to bring the innermost surface of the central mounting aperture of the disc onto contact with an outer cylindrical surface of the hub, as suggested in McKenzie's Figures 3 and 4 and by Watanabe, to align the disc and provide balance.

With respect to Claims 21 and 31, it is unclear whether or not McKenzie's steps of imparting the first bias force and imparting the second bias force are done "concurrently". However, it would have obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of McKenzie by imparting the first and second bias forces "concurrently", at least to the extent of performing the very same function of aligning all of the disc members with the hub, thereby saving manufacturing time.

Claims 22, 23, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenzie et al in view of Watanabe et al, as applied to Claims 19, 21, 30 and 31, and further in view of Yoo et al 6,971,154.

McKenzie, as modified by Watanabe, discloses the claimed manufacturing method as relied upon above in Claims 19, 21, 30 and 31. However, the modified McKenzie method does not teach concurrently deflecting first and second biasing members.

Yoo teaches a disc member aligning process that includes a main body portion (e.g. 230 in Fig. 6) that advances toward a central axis of a disc member and concurrently and independently deflects first and second biasing members (e.g. 241, 243, col. 5, lines 3-26). The purpose of the main body portion and first and second biasing members of Yoo is to balance and align disc members (col. 2, lines 29+).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to have modified the main body portion of McKenzie by adding the first and second biasing members, as taught by Yoo, to advantageously balance and align each disc member.

Response to Arguments

The applicant(s) arguments with respect to Claims 19 and 30, have been fully considered but are now moot in view of the new ground(s) of rejection set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570. The examiner can normally be reached on Monday - Friday 8:15 am - 4:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/743,688
Art Unit: 3729

Page 7

**/A. Dexter Tugbang/
Primary Examiner
Art Unit 3729**

April 13, 2009